

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

vs.

JOHN DOE, Unknown Officers of
Bellevue Police Department;

Defendant.

8:23CV312

MEMORANDUM AND ORDER

This matter is before the Court for case management. Pursuant to the Court's May 13, 2024, Memorandum and Order (the "initial review order"), the Court performed an initial review of Plaintiff's complaint to determine whether summary dismissal was appropriate under [28 U.S.C. § 1915\(e\)\(2\)](#), and, found that it was. [Filing 13 at 8](#). However, in lieu of dismissal the Court granted Plaintiff 30 days in which to file an amended complaint that clearly states a claim or claims upon which relief may be granted including jurisdictional allegations. *Id.* Plaintiff was warned that failure to file an amended complaint consistent with the initial review order would result in dismissal of his case without prejudice and without further notice. *Id. at 8–9*.

In lieu of filing an amended complaint, on May 28, 2024, Plaintiff appealed the initial review order to the Eighth Circuit Court of Appeals. [Filing 16](#). The Eighth Circuit issued a judgment summarily affirming the initial review order on June 14, 2024, and the mandate issued on July 5, 2024. [Filing 21](#); [Filing 22](#).

As Plaintiff's appeal has concluded, to progress the case the Court now sua sponte resets the deadline for Plaintiff to comply with the initial review order.

IT IS THEREFORE ORDERED:

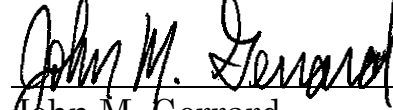
1. Plaintiff shall have until 30 days from the date of this Memorandum and Order to file an amended complaint that clearly states a plausible Fourth Amendment claims upon which relief may be granted as set forth in this Court's initial review order. See [Filing 13](#). If Plaintiff fails to file an amended complaint within the time specified by the Court, this matter will be dismissed without prejudice and without further notice.

2. The Court reserves the right to conduct further review of Plaintiff's claims pursuant to [28 U.S.C. § 1915\(e\)\(2\)](#), in the event he files an amended complaint.

3. The Clerk's Office is directed to terminate the prior pro se case management deadline of "June 12, 2024: amended complaint due" and set a pro se case management deadline in this case using the following text: **August 12, 2024: amended complaint due.**

Dated this 11th day of July, 2024.

BY THE COURT:



John M. Gerrard
Senior United States District Judge